

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. _____

Judge _____

Saravia-Jiminez, Francisco & Saravia-Jiminez, Denise E.

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Modified/Notice Required

Date: **October 1, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney:

Initial Debtor: **FS**

Initial Co-Debtor: **DES**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ 100.00 per month to the Chapter 13 Trustee, starting on _____ for approximately 36 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____

☐ Refinance of real property
 Description:
 Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property
 Description: 57 Wilcox Road, New Brunswick, New Jersey 08901
 Proposed date for completion: March 15, 2019
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ 1,891.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to Cenlar (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
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- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the

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debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender [X] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan [] NONE

The following secured claims are unaffected by the Plan:

Santander Bank
Westlake Financial

g. Secured Claims to Be Paid in Full Through the Plan [] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
New Brunswick Water Dept.	57 Wilcox Road	850.00

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

___ Not less than \$ _____ to be distributed *pro rata*

___ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases [X] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions [] NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 10/1/18

/s/ Francisco Saravia-Jiminez

Debtor

Date: 10/1/18

/s/ Denise E. Saravia-Jimenez

Joint Debtor

Date: 10/1/18

/s/ Frederick J. Simon

Attorney for the Debtor(s)

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 United States Bankruptcy Court
 District of New Jersey

In re:
 Francisco Saravia-Jiminez
 Denise E. Saravia-Jiminez
 Debtors

Case No. 18-28577-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 53

Date Rcvd: Oct 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 04, 2018.
 db/jdb

517761024	Francisco Saravia-Jiminez, Denise E. Saravia-Jiminez, 57 Wilcox Rd, New Brunswick, NJ 08901-1665
517761026	Allied Intersted, PO Box 361445, Columbus, OH 43236-1445
517761031	Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803
517761032	CBCS, PO Box 2589, Columbus, OH 43216-2589
517761033	Cenlar Central Loan Administration, PO Box 986, Newark, NJ 07184-0001
517761035	+DSNB / MACYS, P.O. Box 8218, Mason, OH 45040-8218
517761036	+Educational Funding Company, 4740 Chevy Chase Dr Ste 200, Chevy Chase, MD 20815-6459
517761037	Eichenbaum & Stylianou, LLC, 10 Forest Avenue, Suite 300 P.O. Box 914, Paramus, NJ 07653-0914
517761038	Encore Receivable Management, Inc., P.O. Box 3330 400 N. Rogers Road, Olathe, KS 66063-3330
517761039	Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
517761040	+Financial Recoveries, P.O. Box 1388, Mt Laurel, NJ 08054-7388
517761041	Financial Recoveries, PO Box 1388, Mount Laurel, NJ 08054-7388
517761042	Genesis BC/Celtic Bank, 368 S State St Ste 300, Salt Lake City, UT 84111-2315
517761043	Green Lawn Fertilizing, 1004 Saunders Ln, West Chester, PA 19380-4218
517761044	JFK Hospital, 80 James St Fl 4, Edison, NJ 08820-3938
517761045	KML Law Group PC, 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812
517761046	+LTD Financial Services Services, L.P., 7332 Southwest Freeway, Suite 1600, Houston, TX 77086
517761047	Meridian Medical Group, c/o Simon's Agency, Inc., PO Box 5026, Syracuse, NY 13220-5026
517761048	#+Monarch Recovery Management, Inc., P.O. Box 16119, Philadelphia, PA 19114-0119
517761051	NJ Housing & Finance Agency, Loan Servicing, 637 S Clinton Ave, Trenton, NJ 08611-1811
517761050	New Brunswick Water Department, 78 Bayard St, New Brunswick, NJ 08901-2113
517761052	#Paypal Credit, PO Box 105658, Atlanta, GA 30348-5658
517761053	Philips Remote Cardiac Service, PO Box 415404, Boston, MA 02241-5404
517761057	RWJ Anesthesia, c/o Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
517761058	RWJ Emergency Services, c/o Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
517761059	RWJ/Anesthesia, c/o Financial Recoveries, 200 E Park Dr, Mount Laurel, NJ 08054-1297
517761055	Robert Wood Johnson, PO Box 15278, Newark, NJ 07192-5278
517761056	+Robert Wood Johnson Hospital Pediatrics, 1 Robert Wood Johnson Pl, New Brunswick, NJ 08901-1966
517761060	Santander Bank, Bankruptcy Department, PO Box 961245, Fort Worth, TX 76161-0244
517761068	+United Collection Bureau, 5620 Southwyck Blvd - Suite 206, Toledo, OH 43614-1501
517761071	WFFNB / Dual L, 800 Walnut St, Des Moines, IA 50309-3605
517761069	Wells Fargo Carrier Visa, PO Box 660431, Dallas, TX 75266-0431
517761070	+Wells Fargo/Home Project Visa, 800 Walnut Street, Des Moines, IA 50309-3605

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg

smg	E-mail/Text: usanj.njbankr@usdoj.gov Oct 02 2018 23:38:16 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 02 2018 23:38:12 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
517761025	E-mail/Text: bky@americanprofit.net Oct 02 2018 23:38:36 American Profit Recovery, 34405 W 12 Mile Rd Ste 379, Farmington Hills, MI 48331-5608
517761028	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 02 2018 23:43:14 Capital One, PO Box 85520, Richmond, VA 23285-5520
517761027	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 02 2018 23:43:14 Capital One, c/o Lyons, Doughty & Veldhuis, PC, PO Box 85520, Richmond, VA 23285-5520
517761030	+E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 02 2018 23:43:45 Capital One, P.O. Box 5253, Carol Stream, IL 60197-5253
517761029	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 02 2018 23:43:14 Capital One, PO Box 71083, Charlotte, NC 28272-1083
517761033	E-mail/Text: electronicbkydocs@nelnet.net Oct 02 2018 23:38:18 Department of Education, 121 S 13th St, Lincoln, NE 68508-1904
517761034	E-mail/Text: electronicbkydocs@nelnet.net Oct 02 2018 23:38:18 Department of Education/Nelnet, 121 S 13th St, Lincoln, NE 68508-1904
517761049	+E-mail/Text: Bankruptcies@nragroup.com Oct 02 2018 23:39:15 National Recovery Agency, 2491 Paxton Street, Harrisburg, PA 17111-1036
517761054	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 02 2018 23:44:28 Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk, VA 23541-0914
517761061	E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:43:42 SYNCB / Amazon, P.O. Box 965015, Orlando, FL 32896-5015
517761062	+E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:44:17 SYNCB / Lowes, P.O. Box 965005, Orlando, FL 32896-5005
517761063	E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:43:42 SYNCB / Paypal, PO Box 965005, Orlando, FL 32896-5005
517761064	+E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:43:11 SYNCB / Sam's Club, P.O. Box 965005, Orlando, FL 32896-5005

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 53

Date Rcvd: Oct 02, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517761065	E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:44:17	SYNCB / Walmart,
	P.O. Box 965024, Orlando, FL 32896-5024	
517761067	E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:43:11	SYNCB Care One, PO Box 965036,
	Orlando, FL 32896-5036	
517766204	+E-mail/PDF: gecsedirecoverycorp.com Oct 02 2018 23:43:42	Synchrony Bank,
	c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021	
517787493	+E-mail/Text: electronicbkydocs@nelnet.net Oct 02 2018 23:38:18	U.S. Department of Education,
	C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911	
517789918	E-mail/Text: bankruptcynotice@westlakefinancial.com Oct 02 2018 23:38:13	Westlake Financial,
	PO Box 76809, Los Angeles, CA 90076-0809	
		TOTAL: 20

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517761066* SYNCB / Walmart, PO Box 965024, Orlando, FL 32896-5024

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 04, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2018 at the address(es) listed below:

Albert Russo	docs@russotrustee.com
Frederick J. Simon	on behalf of Joint Debtor Denise E. Saravia-Jiminez simonmonahan216@gmail.com
Frederick J. Simon	on behalf of Debtor Francisco Saravia-Jiminez simonmonahan216@gmail.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4